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Attorneys for Defendant JPMorgan Chase Bank, N.A.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

Dennis Raybould,

Plaintiff,

v.

RUSHMORE LOAN MANAGEMENT
SERVICES, LLC;

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, WHOSE ADDRESS IS 700
Kansas Lane, MC 8000, MONROE, LA 71203,
(ASSIGNOR),

RMAC TRUST, SERIES 2016-CTT,

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR THE RMAC
TRUST, SERIES 2016-CTTT, whose address is
60 LIVINGSTON AVENUE, ST. PAUL, MN
55107-2292, ITS SUCCESSORS AND
ASSIGNS, (ASSIGNEE)

Defendants.

Case No. 6:19-cv-01364-AA

**DECLARATION OF KEVIN H. KONO
IN SUPPORT OF REQUEST FOR
JUDICIAL NOTICE**

I, Kevin H. Kono, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the attorneys representing defendant JPMorgan Chase Bank, N.A. (“Chase”) in the above-referenced matter. I make this declaration in support of Chase’s Request for Judicial Notice and Motion to Dismiss Complaint. I have personal knowledge of and am competent to testify regarding all matters contained herein.

2. Attached hereto as **Exhibit 1** is a copy (with redactions required by Fed. R. Civ. P. 5.2 and LR 5.2) of a recorded deed of trust dated February 1, 2006, under which Dennis Raybould and Diane Raybould granted a security interest to Chase Bank USA, N.A. in real property located at 88915 Bay Berry Lane, Florence, OR 97431, to secure loan obligations under the \$237,600 note referenced therein, which I caused to be obtained from the public records available through the Lane County Clerk’s Office.

3. Attached hereto as **Exhibit 2** is a copy of the complaint filed in Oregon state court and removed to this Court in *Raybould v. JP Morgan Chase Bank, N.A.*, United States District Court for the District of Oregon, Case No. 6:12-cv-01198-PA (with redactions required by Fed. R. Civ. P. 5.2 and LR 5.2), which I caused to be obtained from the Court’s electronic filing system.

4. Attached hereto as **Exhibit 3** is a copy of the complaint filed in Oregon state court and removed to this Court in *Raybould v. JP Morgan Chase Bank, N.A.*, United States District Court for the District of Oregon, Case No. 6:13-cv-01966-TC, which I caused to be obtained from the Court’s electronic filing system.

5. Attached hereto as **Exhibit 4** is a copy of the Order Affirming Judgment filed in *Raybould v. JP Morgan Chase Bank, N.A.*, United States Court of Appeal for the Ninth Circuit, Case No. 15-35158, which I caused to be obtained from the court’s electronic filing system.

6. Attached hereto as **Exhibit 5** is a copy of the docket in *JPMorgan Chase Bank, National Association v. Raybould, et al.*, in the Circuit Court for the State of Oregon for the

County of Lane, Case No. 15CV14566 (the “State Court Action”), which I caused to be obtained through Oregon eCourt Case Information.

7. Attached hereto as **Exhibit 6** is a copy of the complaint in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

8. Attached hereto as **Exhibit 7** is a copy of the Second Amended Answer, Affirmative Defenses and Amended Counterclaims and Third-Party claims filed by plaintiff in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

9. Attached hereto as **Exhibit 8** is a copy of the court’s Order granting JPMorgan Chase Bank, N.A. and counter-defendants Chase Bank USA, N.A. and Chase Home Finance LLC’s Motions to Dismiss and to Strike Counter-Plaintiffs’ Counterclaims and Defenses in the State Court Action, without leave to amend, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

10. Attached hereto as **Exhibit 9** is a copy of the court’s Order of Default entered in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

11. Attached hereto as **Exhibit 10** is a copy of the court’s Limited Judgment of Dismissal entered in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

12. Attached hereto as **Exhibit 11** is a copy of JPMorgan Chase Bank, N.A.’s Motion for Summary Judgment entered in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

13. Attached hereto as **Exhibit 12** is a copy of Plaintiff’s opposition to JPMorgan Chase Bank, N.A.’s Motion for Summary Judgment entered in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

14. Attached hereto as **Exhibit 13** is a copy of the court's Order granting JPMorgan Chase Bank, N.A.'s motion for summary judgment in the State Court Action, which I caused to be obtained from the court docket available through Oregon eCourt Case Information.

15. Attached hereto as **Exhibit 14** is a copy of Plaintiff's Adversary Complaint in Adversary Proceeding No. 17-06057-tmr, in the United States Bankruptcy Court for the District of Oregon, Eugene Division, which I caused to be obtained from the court's electronic filing system.

16. Attached hereto as **Exhibit 15** is a copy of the docket in *Raybould v. Rushmore Loan Management Services LLC, et al.*, in the Circuit Court for the State of Oregon for the County of Lane, Case No. 19CV30797, which I caused to be obtained through Oregon eCourt Case Information.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: September 13, 2019.

s/ Kevin H. Kono

Kevin H. Kono

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DECLARATION OF KEVIN H. KONO IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE** on:

Dennis Raybould
P.O. Box 241
Florence, OR 97431
(541) 997-1311
Plaintiff in Pro Se

☒ by causing to be mailed a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said party's last-known address and deposited in the U.S. mail at Portland, Oregon on the date set forth below;

☐ by sending a copy thereof via overnight courier in a sealed, prepaid envelope, addressed to said party's last-known address on the date set forth below; and/or

☐ by emailing a copy thereof to said party at his/her last-known email address as set forth above.

Dated this 13th day of September, 2019.

DAVIS WRIGHT TREMAINE LLP

By: s/ Kevin H. Kono

Kevin H. Kono, OSB #023528
Ashlee Aguiar, OSB #171940
Of Attorneys for Defendant JPMorgan Chase Bank,
N.A.